

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:21-cr-99

v.

Hon. Janet T. Neff  
United States District Judge

JONATHAN JOSHUA MUNAFO,

Defendant.

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**MOTION TO WITHDRAW AS COUNSEL AND BRIEF IN SUPPORT**

James Stevenson Fisher, of the Office of the Federal Public Defender, moves this Honorable Court to enter an order allowing him to withdraw as counsel for the defendant, Jonathan Joshua Munafo. In support of this motion, counsel offers the following brief, which demonstrates there has been a breakdown in the attorney-client relationship that would render further representation unreasonably difficult.

***Procedural Background***

Mr. Munafo was charged by way of Complaint on January 20, 2021, with communicating a threat in interstate commerce. On April 26, 2021, Mr. Munafo made his initial appearance on Rule 5(c)(3) proceedings in the United States District Court for the Middle District of Florida, at that time, he requested court appointed counsel. The court remanded Mr. Munafo to the custody of the United States Marshal Service and entered an Order of Commitment to Another District.

On May 18, 2021, an Indictment was filed, charging Mr. Munafo with two counts of interstate threatening communications and one count of interstate harassing telephone calls.

On June 9, 2021, Mr. Munafo appeared for his initial appearance. The Magistrate Judge remanded him to the custody of the United States Marshal Service pending a hearing on detention. On June 15, 2021, Mr. Munafo appeared before the Court and at that time was committed for evaluations regarding competency and sanity and prior to any detention hearing on the matter.

Mr. Munafo returned to this district and appeared with undersigned counsel for his arraignment, initial pretrial conference, and competency hearing on November 29, 2021. He waived his detention hearing. Mr. Munafo was found competent to stand trial, and was detained pending trial in this matter. The Court scheduled the final pretrial conference for January 11, 2022, and the trial is scheduled for January 18, 2022.

### *Argument*

Under Michigan Rule of Professional Conduct 1.16, counsel may withdraw from representation when a client insists upon pursuing an imprudent objective, renders representation unreasonably difficult, or other good cause to withdraw exists. MRPC 1.16(b)(3), (5), & (6). Under Local General Rule 2.5, withdrawal of appearance may be accomplished by leave of Court. Given the situation, good cause to grant withdrawal appears to exist here.

Defense counsel submits that the attorney-client relationship has broken down irreparably. Defense counsel has worked diligently to provide the best representation possible for Mr. Munafo. However, Mr. Munafo has expressed directly to Attorney Fisher his unequivocal dissatisfaction with his services, his advice and counsel regarding his case, and

his overall representation of him. Mr. Munafo indicated he believed that counsel does not have his best interests in mind and that an irreconcilable conflict exists between him and counsel.

While counsel has worked to provide the best representation possible for Mr. Munafo, it appears that the attorney-client relationship is beyond salvage in this case. Mr. Munafo requests that this Court appoint new counsel to represent him. When undersigned counsel asked for additional information regarding Mr. Munafo's request for new counsel, he specifically instructed undersigned counsel not to attempt to communicate with him further. Mr. Munafo refuses to communicate with undersigned counsel. Under these circumstances, defense counsel submits that the interests of justice would be served best by appointment of replacement counsel with whom Mr. Munafo may be able to develop a more productive attorney-client relationship.

The Federal Public Defender's Office respectfully requests permission to withdraw from this case. Given the situation, good cause to grant withdrawal appears to exist here. Defense counsel requests that the Court appoint new counsel for Mr. Munafo.

Respectfully submitted,

SHARON A. TUREK  
Federal Public Defender

/s/ James Stevenson Fisher  
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Dated: December 16, 2021